

EXHIBIT 21

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

National Association of Diversity Officers in
Higher Education, et al.,

Plaintiffs,

v.

Donald J. Trump, in his official capacity as
President of the United States, et al.,

Defendants.

Civil Action No. 1:25-cv-333-ABA

DECLARATION OF TEÓFILO REYES

I, Teófilo Reyes, declare as follows:

Background

1. I am over eighteen years old, of sound mind, and fully competent to make this declaration. I also have personal knowledge of the factual statements contained herein.

2. I am the Interim President and CEO of Restaurant Opportunities Centers (“ROC”) United. I have served the organization for over 14 years in several roles including Research Director, Chief Program Officer, and Chief of Staff.

3. ROC United is a national membership organization of thousands of restaurant workers across the United States. It is a 501(c)(3) non-profit organization headquartered in New York.

4. ROC was established after 2001 in New York to support World Trade Center restaurant workers in the wake of the September 11, 2001 attacks. Then, in 2008, ROC United was formed to support restaurant workers nationwide.

5. Today, ROC United serves and represents all workers in the restaurant industry,

from traditional back- and front-of-the-house occupations in full-service restaurants, to food prep and quick service, to the new and growing segment of workers in app-based delivery.

6. Our mission is to improve restaurant workers' lives by building worker power and uniting workers of various backgrounds around shared goals and values.

7. ROC United envisions a society that treats restaurant workers with dignity and respect, including prioritizing racial and gender equity and increasing the standard of living for all working people.

Diversity, Equity, Inclusion, and Accessibility

8. ROC United is deeply invested in ensuring diversity, equity, inclusion, and accessibility across the restaurant industry. ROC United partners with restaurant workers to overcome the obstacles racism and sexism place in their way.

9. Launched in 2007, ROC United's Culinary Hospitality Opportunities for Workers (CHOW) workforce development program directly addresses the racial segregation that is deeply embedded in the restaurant industry. Our students, who are overwhelmingly people of color and women, build their confidence as leaders in the industry and gain access to the livable-wage jobs historically held by white men in the industry.

10. Through CHOW, ROC has been very successful in creating viable pathways for low-wage restaurant workers to advance to livable-wage positions within the industry. Our classes provide program graduates with the hard skills, work readiness, customer service, communications, and sanitation training needed to advance in the sector.

11. By building career pathways so that people of color, women, and young restaurant workers can achieve livable-wage employment, we are significantly improving quality of life outcomes for CHOW graduates, their families, and their communities.

12. In addition, ROC United's training programs address occupational segregation, in addition to providing training on how to identify and address occupational hazards in the workplaces and training on sexual harassment.

13. ROC United relies, in part, on federal support to realize its mission and vision for the restaurant industry.

Fostering Access, Rights, and Equity (FARE) Grant Program

14. The U.S. Department of Labor (DOL) Women's Bureau launched the Fostering Access, Rights, and Equity (FARE) grant program in 2021 to help women workers learn about and access their employment rights and benefits.

15. Starting in 2023, the FARE grant program began to focus on addressing gender-based violence and harassment in the workplace.

16. ROC United received a \$250,000 grant from the FARE grant program in 2023 to tackle the critical issue of gender-based violence and harassment in the restaurant industry.

17. The FARE grant program has allowed ROC United to expand several of its sexual harassment training initiatives and establish a referral network to connect survivors with support services, such as the Equal Employment Opportunity Commission and local equivalents, the Office of Human Rights, and the Occupational Safety and Health Administration ("OSHA").

18. Without this federal support, ROC United would not have been able to expand its efforts to end gender-based violence and sexual harassment.

Susan Harwood Training Grant Program

19. The Occupational Safety and Health Administration part of DOL, established the Susan Harwood Training Grant Program ("Harwood Grant").

20. Harwood Grants are awarded to grantees who provide training and education

programs for employers and workers on the recognition, avoidance, and prevention of safety and health hazards, and to inform workers of their rights under the OSH Act.

21. In 2024, OSHA announced \$12.7 million in Harwood Grants. The Harwood Grants were intended to support training and education to at-risk and marginalized workers across the nation including limited English proficiency workers, as well as workers identified as illiterate/low literacy, disadvantaged, underserved, low-income, minority and others hard to reach.

22. ROC United received a \$180,000 Harwood Grant in 2024. We use the Harwood Grant to provide heat safety training to over 600 workers in the restaurant industry, including youth, those who are hard to reach, and limited English proficiency workers.

23. Heat illness is a major and growing scourge impacting back-of-the-house workers, the majority of whom are immigrants and workers of color. These workers are generally not afforded breaks in the air-conditioned dining room.

24. Losing federal funding will dramatically impact our ability to fulfill our mission and support the workers who have the lowest wages and the most difficult working conditions.

Consequences of President Trump's Executive Order 14151 (Section 2)

25. I understand that President Trump's Executive Order 14151 titled, "Ending Radical Government DEI Programs and Preferencing" (the "J20 Order") requires all federal agencies to terminate all "equity-related grants or contracts" within sixty days.

26. On January 22, 2025, ROC United received e-mail notices from DOL's Women's Bureau and OSHA to "cease all activities related to 'diversity, equity, and inclusion' (DEI) or 'diversity, equity, inclusion, and accessibility' (DEIA) under their federal awards, consistent with the requirements of . . ." the J20 Order and a related anti-DEIA order signed by President Trump on January 21, 2025.

27. These notices did not define “DEI” or “DEIA,” nor did they specify why ROC United’s grants were being targeted.

28. The notices further explain that “the U.S. Department of Labor is reviewing all active federal awards and will take appropriate action, including terminating the award, consistent with the requirements of . . .” the executive orders.

29. In addition, OSHA instructed ROC United to: “effective immediately! Cease collecting and reporting trainees DEI information.” My understanding is that this notice was sent to all recipients of OSHA’s Harwood Grant.

30. When we received these notices, ROC United stopped all work funded by the FARE grant and the Harwood Grant. We are experiencing significant disruption to our operations as we consider whether to continue our programs and under what parameters.

31. For example, ROC United has several scheduled upcoming training programs connected to the FARE and Harwood grants. Due to the executive orders, we are in limbo: we either seek other sources of funding and remove any reference to the two grants, or we will have to cancel the trainings altogether.

32. Even more, ROC United fears that it will not be able to continue its programs if it loses critical federal funding moving forward. Losing access to federal funds would be a tremendous blow that would destroy years of work to build up ROC United’s reputation and programs.

33. We have been developing our occupational training capabilities, including securing a registered apprenticeship program for bartending in New York. Our aim is to secure funds to grow our CHOW courses, including building out a registered apprenticeship program for bartending which has the highest rates of occupational segregation and the highest potential

income for restaurant workers.

34. In addition, ROC United has put significant effort into ending gender-based violence and harassment in the workplace, which is especially important for restaurant workers who only earn \$2.13 an hour. Women are especially plagued by harassment and work hard to please customers so they will receive the tips that make up most of their income. Our partnership with DOL's Women's Bureau has been key to expanding our program in states where cities are prevented from raising the minimum wage.

35. Due to the J20 Order, ROC United started a fundraising campaign due to its fear of losing these federal funds moving forward. As a last resort, ROC United will operate at a deficit to continue to fulfill its mission until its funds are depleted.

Consequences of President Trump's Executive Order 14173 (Section 3)

36. I also understand that President Trump's Executive Order 14173 titled, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," (the "J21 Order") provides that all federal grants and contracts must include terms requiring the recipient or contractor "to certify that [they] do[] not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws" and to acknowledge that compliance is "material to the government's payment decisions for purposes of" the False Claims Act ("FCA")."

37. ROC United's work is deeply rooted in equity and inclusion for workers.

38. We have no way of doing our work and living out our mission without speaking about ending occupational segregation and building career ladders for workers who have historically been denied opportunities.

39. Because of our reputation, we have a long waiting list of workers of color who are eager to participate in our programs so they can grow in the industry.

40. Because of the J21 Order, and the unclear language banning grantees from having “programs promoting DEI,” we fear we may have to stop addressing racial and gender equity to avoid financial and other penalties by the federal government. Or if we decline to certify, we risk losing all federal funding.

41. If ROC United cannot speak to issues of diversity, equity, and inclusion, we risk alienating the restaurant workers who are looking to us for training and mentorship. And our reputation among funders and other organizations in this industry will be severely damaged.

42. Alternatively, ROC Unites fears being investigated, losing federal funds, or other penalties by the federal government if it continues to support and promote the diversity, equity, and inclusion principles it believes in.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2025

By:



Teófilo Reyes
Interim President and CEO
ROC United